

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1171
92ND GENERAL ASSEMBLY

Reported from the Committee on Homeland Security and Veterans Affairs, May 10, 2004, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1171 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

2440L.10C

AN ACT

To repeal section 21.800, RSMo, and to enact in lieu thereof fifteen new sections relating to homeland security, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 21.800, RSMo, is repealed and fifteen new sections enacted in lieu thereof, to be known as sections 21.800, 21.825, 44.137, 44.141, 44.143, 655.001, 655.003, 655.006, 655.009, 655.012, 655.015, 655.018, 655.023, 655.025, and 655.028, to read as follows:

21.800. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on [Terrorism, Bioterrorism, and] Homeland Security" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

(1) Make a continuing study and analysis of all state government terrorism, bioterrorism, and homeland security efforts;

(2) Devise a standard reporting system to obtain data on each state government agency that will provide information on each agency's terrorism and bioterrorism preparedness, and homeland security status at least biennially;

(3) Determine from its study and analysis the need for changes in statutory law; and

(4) Make any other recommendation to the general assembly necessary to provide adequate terrorism and bioterrorism protections, and homeland security to the citizens of the state of Missouri.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

4. The committee shall meet **regularly** at least [quarterly] **annually**. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.

8. The provisions of this section shall expire on December 31, 2007.

21.825. 1. There is hereby established a joint committee of the general assembly to be known as the "Joint Committee on Communications Inter Operability and Efficiency" to be composed of five members of the senate and five members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and the minority floor leader of the senate, and the house members of the joint committee shall be appointed by the speaker and the minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than three members from the house of representatives or more than three members from the senate. A majority of the joint committee shall constitute a quorum, but the concurrence of

a majority of the members shall be required for the determination of any matter within the joint committee's duties.

2. The joint committee shall be charged with making recommendations to the full general assembly in the following areas:

(1) Determining the need and feasibility of a state commission on communications operability and efficiency, and the duties and membership thereof;

(2) How any such commission may serve as an oversight body with the power of allocating state and federal communication funds to state entities; and

(3) The feasibility of a single state telecommunications network plan for all public governmental bodies within the state.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairpersonship shall alternate between members of the house and senate every two years after the joint committee's organization.

4. The joint committee shall establish one or more study groups comprised of interested parties representing public and private bodies in order to fully develop recommendations related to state communication operability and efficiency.

5. The joint committee shall meet at least quarterly and may meet at locations other than Jefferson City when the joint committee deems it necessary.

6. The joint committee shall be staffed by legislative personnel as is deemed necessary to assist the joint committee in the performance of its duties.

7. The members of the joint committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

8. The joint committee shall compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the first of February in 2005 and the fifteenth of January of each year thereafter in which the general assembly convenes in regular session and shall include any recommendations which the joint committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state departments and agencies included in the report.

9. All state departments, agencies, boards, and commissions shall cooperate with and assist the joint committee in the performance of its duties and shall make available all information requested.

44.137. 1. Funds appropriated from the emergency management, preparedness, and assistance trust fund shall be allocated by the state emergency management agency as follows:

(1) Sixty percent to implement and administer state and local emergency management programs, including training;

(2) Twenty percent to provide for state relief assistance for nonfederally declared disasters for the purpose of assisting disaster victims;

(3) Twenty percent for grants to local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote community disaster education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan. All of the aforementioned activities must additionally address the needs of special populations. The state emergency management agency shall establish criteria and procedures for allocation of these funds. No more than five percent of any award made pursuant to this subdivision may be used for administrative expenses.

2. The distribution formula provided in subsection 1 of this section may be adjusted proportionally when necessary to meet any matching requirements imposed as a condition of receiving federal disaster relief assistance or planning funds.

3. The state emergency management agency shall allocate funds from the emergency management, preparedness, and assistance trust fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(1) Requiring that, at a minimum, a local emergency management agency have a program director who works at least forty hours a week in that capacity;

(2) Specifying a formula that establishes a base grant allocation and weighted factors for funds to be allocated over the base grant amount;

(3) Specifying match requirements;

(4) Preferential funding to provide incentives to counties and municipalities to participate in mutual aid agreements;

(5) Preferential funding to provide incentives to counties and municipalities to develop outcome based outreach to special needs populations.

4. If adequate funds are available as determined by the state emergency management agency, every county shall receive funds at least sufficient to fund a dedicated, full-time emergency preparedness officer position.

44.141. 1. The state treasurer shall establish and maintain a special trust fund to be administered by the state emergency management agency and to be known as the "Emergency Management, Preparedness, and Assistance Trust Fund", from which the state emergency management agency shall use moneys to carry out the purposes stated in sections 44.137 to 44.143.

2. All moneys duly authorized and appropriated by the general assembly, all moneys received from federal funds, gifts, bequests, donations, any other moneys so designated, and all interest earned on and income generated from moneys in the fund shall immediately be paid to and deposited in the emergency management, preparedness, and assistance trust fund.

3. Except as otherwise provided in sections 44.137 to 44.143, the provisions of section 33.080, RSMo, requiring the transfer of unexpended funds to the ordinary revenue funds of the state shall not apply to funds in the emergency management, preparedness, and assistance trust fund.

44.143. The provisions of sections 23.250 to 23.298, RSMo, shall not apply to the provisions of sections 44.137 to 44.143.

655.001. As used in sections 655.001 to 655.028, the following terms mean:

- (1) "Council", the Missouri security council;
- (2) "Director", the director of the office of homeland security;
- (3) "Disaster", disaster or disasters which may result from terrorism, including bioterrorism, or from fire, wind, flood, earthquake, or other natural or man-made causes;
- (4) "Executive officer of any political subdivision", the county commission or county supervisor or the mayor or other manager of the executive affairs of any city, town, village, or fire protection district;
- (5) "Homeland security", is a concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur;
- (6) "Missouri Security Council", the council established pursuant to section 655.023;
- (7) "Political subdivision", any county or city, town, or village, or any fire district created by law;
- (8) "Terrorism", any premeditated, unlawful act dangerous to human life or public welfare that is intended to intimidate or coerce civilian populations or governments.

655.003. 1. There is hereby created, the "Office of Homeland Security", for the general purpose of assisting in coordination of national, state, and local activities, and assessing the readiness of the state and its communities to deter, prevent, and appropriately respond to acts of terrorism in Missouri.

2. The director of the office of homeland security shall be Missouri's representative to the federal Department of Homeland Security and to the federal Homeland Security Council.

3. The director of the office of homeland security shall be a member of the governor's cabinet.

4. The office shall possess, design, establish, coordinate, and integrate such homeland security programs as are necessary and authorized for improving the security of state government against terrorism.

5. The office shall coordinate and integrate the state's role in other homeland security

programs, federal or local, that are necessary and authorized for improving the security of the people and property within the state of Missouri against terrorism.

655.006. 1. The governor, with the advice and consent of the senate, shall appoint a full-time director, who shall be the head of the office of homeland security. The director shall be a citizen of the United States, shall be a person of good moral character, and a resident taxpayer of Missouri. He or she shall possess administrative ability and experience and be able to obtain facts in connection with the duties of his or her office, and to accurately report his findings.

2. The director shall provide the governor with such assistance in the supervision of the executive branch of state government, on homeland security matters, as the governor requires and shall perform such other duties as are assigned to him by law.

3. The director shall administer and enforce the provisions of sections 655.001 to 655.021.

655.009. There is hereby established within the office of homeland security the "Missouri Homeland Security Advisory Board", which shall be composed of ten members appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the office of homeland security. It shall be the duty of the Missouri homeland security advisory board to advise the director on all matters pertaining to the responsibilities of the director and the office. The members shall be:

(1) Qualified voters of Missouri at the time of their appointment, shall receive no compensation for their services, and shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties; and

(2) Of the members appointed to the Missouri homeland security advisory board, one shall:

- (a)** Have served or are currently serving in the military or National Guard;
- (b)** Have expertise in hazardous materials;
- (c)** Have expertise in Missouri's transportation system;
- (d)** Have expertise in Missouri's energy infrastructure;
- (e)** Have expertise in agriculture;
- (f)** Have expertise in emergency management;
- (g)** Have expertise in public health;
- (h)** Have served or are currently serving in fire services;
- (i)** Have expertise in emergency 911 service; and
- (j)** Have served or are currently serving in law enforcement;

(3) The term of office for each member of the Missouri homeland security advisory board appointed by the governor shall be four years, except that of the initial appointments, two members shall be appointed for a term of one year, two members shall be appointed for a term of two years, two members shall be appointed for a term of three years, and two

members shall be appointed for a term of four years. Any member may be removed from office by the governor without cause. Before the expiration of the term of a member appointed by the governor, the governor shall appoint a successor whose term begins on July first next following. A member is eligible for reappointment. If there is a vacancy for any cause, the governor shall make an appointment to become effective immediately for the unexpired term.

655.012. The director shall appoint employees as the needs of the office require within the limits of the appropriation made for such purpose. Any person appointed shall be of good character, shall be a citizen of the United States, shall be a taxpaying resident of this state and shall be a graduate of an accredited four-year high school or, in lieu thereof, shall have obtained a certificate of equivalency from the state department of elementary and secondary education. An appointee or employee shall not hold any other commission or office, elective or appointive, or accept any other employment while serving in said position. An appointee or employee shall not accept any compensation, reward, or gift other than his or her regular salary and expenses for the performance of his or her official duties.

655.015. 1. The office of homeland security shall be assigned to the department of public safety as a type III division, but the director of the department of public safety shall have no supervision, authority, or control over the actions or decisions of the office of homeland security.

2. Employees shall be reimbursed for actual traveling and other expenses necessary to the performance of their official duties. Appointees shall, at the expense of the state, be furnished with such vehicles, equipment, supplies, and insignia of office as the director deems necessary, within the appropriation made therefor all of which shall remain the property of the state and be strictly accounted for by each appointee.

655.018. Appropriate office space shall be provided for the director and his or her employees.

655.023. 1. The "Missouri Security Council" is hereby established as created by executive order 02-15 of the governor on September 11, 2002, and executive order 02-16 of the governor on October 2, 2002. The council shall serve as the mechanism for ensuring coordination of homeland security-related activities between executive agencies and local political subdivisions and effective development and implementation of homeland security policies.

2. The council shall consist of fourteen members. The council shall have as its members the governor, who shall serve as chairman of the council, director of the office of homeland security, director of the department of agriculture, director of the department of health and senior services, director of the department of mental health, director of the department of natural resources, director of the department of public safety, director of the state emergency management agency, director of the department of transportation, commissioner of the office of administration, chief information officer of the state, state

adjutant general, superintendent of the Missouri state highway patrol, commissioner of the Missouri state water patrol, state fire marshal, and chair of the public service commission.

3. The council shall meet at the governor's direction. When the governor is absent from a meeting of the council, the director of the office of homeland security shall preside over the meeting. The director of homeland security shall be responsible for determining the agenda of the council meetings, ensuring that necessary papers are prepared, posting public notice of council meetings, and recording council actions and recommendations.

4. The members of the council shall serve without compensation. Each department or division by which a member is employed shall pay for the member's actual and necessary expenses.

5. The council shall be located within the office of homeland security, solely for administrative purposes, which shall be responsible for providing staff support for the council.

655.025. The provisions of sections 23.250 to 23.298, RSMo, shall not apply to the provisions of sections 655.001 to 655.028.

655.028. The provisions of sections 655.001 to 655.028, shall terminate ninety days following the notice to the revisor of statutes, by the director of the Missouri office of homeland security, that the Federal Department of Homeland Security established pursuant to H.R. 500, 107th Congress (2002), has been dissolved.

Section B. Because of the need to protect the citizens of this state from acts of terrorism, the enactment of sections 44.137, 44.141, 44.143, 655.001, 655.003, 655.006, 655.009, 655.012, 655.015, 655.018, 655.023, 655.025, and 655.028 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 44.137, 44.141, 44.143, 655.001, 655.003, 655.006, 655.009, 655.012, 655.015, 655.018, 655.023, 655.025, and 655.028 of section A of this act shall be in full force and effect upon its passage and approval.

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